

**[ REPUBLIC ACT NO. 776, June 20, 1952 ]**

**AN ACT TO REORGANIZE THE CIVIL AERONAUTICS BOARD AND THE CIVIL AERONAUTICS ADMINISTRATION, TO PROVIDE FOR THE REGULATION OF CIVIL AERONAUTICS IN THE PHILIPPINES AND AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR.**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

CHAPTER I.—*Title and Purpose*

SECTION 1. *Title of Act.*—The title of this Act shall be "The Civil Aeronautics Act of the Philippines."

SEC. 2. *Purpose and scope of Act.*—The general purpose of this Act is the reorganization of the Civil Aeronautics Board and the Civil Aeronautics Administration, defining their powers and duties and making certain adjustment of funds and personnel in connection therewith; and the regulation of civil aeronautics.

The provisions of this Act and the rules and regulations issued pursuant thereto shall not apply, except with respect to air traffic rules, to military aircraft and airmen of the Philippines and of foreign countries and to foreign civil and public aircraft and airmen other than those covered by Chapters III and IV hereof.

CHAPTER II.—*General Provisions*

SEC. 3. *Words and phrases defined.*—The following definitions shall control in the application and construction of this Act, unless the context otherwise requires:

(a) "Administrator" means the Civil Aeronautics Administrator.

(b) "Aerodrome" means a defined area on land or water, including any buildings, installations and equipment intended to be used either wholly or in part for the arrival, departure and movement of aircraft.

(c) "Aeronautics" means the science and art of flight.

(d) "Aeronautical telecommunication" means and includes any telegraph or telephone communication signs, signals, writings, images and sounds of any nature, by wire, radio or other systems or processes of signaling,

used in the aeronautical service.

(e) "Aeronautical telecommunication station" means any station operated to provide telecommunications for aeronautical purposes.

(f) "Air carrier" means a person who undertakes, whether directly or indirectly, or by a lease or any other arrangements, to engage in air transportation or air commerce.

(g) "Air commerce" means and includes air transportation for pay or hire, the navigation of aircraft in furtherance of a business, or the navigation of aircraft from one place to another for operation in the conduct of a business.

(h) "Air transportation" means service or carriage of persons, property, or mail, in whole or in part, by aircraft.

(i) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in, the air.

(j) "Aircraft engine" means an engine used or intended to be used for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.

(k) "Aircraft radio station" means a radio station on board any aircraft.

(l) "Airman" means any individual who engages, as the person in command or as pilot, mechanic, flight radio operator or member of the crew, in the navigation of aircraft while under way; and any individual who is directly in charge of inspection, maintenance, overhauling, or repair of aircraft, aircraft engine, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control operator.

(m) "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including areas, lights, any apparatus or equipment for disseminating weather information, for signalling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

(n) "Airway" means a path thru the navigable air space identified by an area of specified width on the surface of the earth designated or approved by the Administrator as suitable for air commerce or air transportation.

(o) "Airworthiness" means that an aircraft, its engines, propellers, and other components and accessories, are of proper design and construction, and are safe for air navigation purposes, such design and construction being consistent with accepted engineering practice and in accordance with aerodynamic laws and aircraft science.

(p) "Appliances" means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used or are capable of being or intended to be used in the navigation, operation, or control of aircraft in flight (including parachutes and communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines or propellers.

(q) "Board" means the Civil Aeronautics Board.

(r) "Citizen of the Philippines" means (a) an individual who is a citizen of the Philippines, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the Philippines, of which the directing head and two-thirds or more of the Board of Directors and other managing officers are citizens of the Philippines, and in which sixty *per centum* of the voting interest is owned or controlled by persons who are citizens of the Philippines.

(s) "Civil Aircraft" means any aircraft other than a public aircraft.

(t) "Domestic air carrier" means an air carrier who is a citizen of the Philippines: *Provided*, That an air carrier who is not a citizen of the Philippines but who may be allowed to engage in domestic and/or foreign air transportation, or domestic and/or foreign air commerce, in accordance with the provisions of section twelve, Chapter IV of this Act, shall, to all intents and purposes, be classified as a domestic air carrier.

(u) "Domestic air commerce" means and includes air commerce within the limits of the Philippine territory.

(v) "Domestic air transportation" means air transportation within the limits of the Philippine territory.

(w) "Flight radio operator" means and includes a member of the operating crew of aircraft who is granted a radio operator's license by the Civil Aeronautics Administrator to operate aircraft radio station.

(x) "Foreign air carrier" means an air carrier who is not a citizen of the Philippines, and/or an air carrier other than a domestic air carrier.

(y) "Foreign air commerce" means and includes air commerce between the Philippines and any place outside it.

(z) "Foreign air transportation" means air transportation between the Philippines and any place outside it, or wholly outside the Philippines.

(aa) "Landing field" means any locality; either on water or on land, which is adapted for landing and taking-off of aircraft located along an airway, and is intermediate to airports connected by the airway, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(bb) "Mail" means Philippine mail or foreign-transit mail.

(cc) "Navigation of aircraft" or "navigate aircraft" includes the piloting of aircraft.

(dd) "Navigable air space" means air space above the minimum altitudes of flight prescribed by regulations issued under this Act.

(ee) "Permit" means Certificate of Public Convenience and Necessity.

(ff) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(gg) "Propeller" includes all parts, appurtenances and accessories thereof.

(hh) "Public aircraft" means an aircraft used exclusively in the service of the National Government of the Republic of the Philippines or of any political subdivision or instrumentality thereof, but not including government-owned aircraft engaged in air commerce.

(ii) "Reasonable charges" are those which insure just and reasonable return on the capital invested, taking into consideration the cost of construction, operation and maintenance and non-aeronautical revenue of the air navigation facility affected, which shall be uniform.

SEC. 4. *Declaration of policies.*—In the exercise and performance of its powers and duties under this Act, the Civil Aeronautics Board and the Civil Aeronautics Administrator shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity:

(a) The development and utilization of the air potential of the Philippines.

(b) The encouragement and development of an air transportation system properly adapted to the present and future of foreign and domestic commerce of the Philippines, of the Postal Service, and of the National Defense;

(c) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic condition in, such transportation, and to improve the relations between, and coordinate transportation by, air carriers;

(d) The promotion of adequate, economical and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

(e) Competition between air carriers to the extent necessary to assure the sound development of an air transportation system properly adapted to the need of the foreign and domestic commerce of the Philippines, of the Postal Service, and of the National Defense;

(f) To promote safety of flight in air commerce in the Philippines; and

(g) The encouragement and development of civil aeronautics.

### CHAPTER III.—*Civil Aeronautics Board*

SEC. 5. *Composition of the Board.*—The Civil Aeronautics shall be composed of the Secretary of Commerce and Industry as Chairman, the Civil Aeronautics Administrator, the Commanding Officer of the Philippine Air Force and two other members to be appointed by the President of the Philippines. They shall hold office at the pleasure of the President and shall be entitled to *per diem* for each meeting actually attended by them in such amount as may be fixed by the President. In case of absence or incapacity of the Secretary of Commerce and Industry, the Civil Aeronautics Administrator shall act as Chairman.

In case the Under-Secretary of Commerce and Industry and/or Deputy Administrator act in the stead of the Secretary of Commerce and Industry and/or Administrator respectively, they shall hold office and be entitled to *per diem* for each meeting actually attended by them in the Civil Aeronautics Board. No member of the Board shall have any pecuniary interest in, or own any stock or bond of, any civil aeronautics enterprise.

SEC. 6. *Principal office and quorum.*—The Board shall have its principal office in the City of Manila and may hold hearings on any proceedings at such time and places within the Philippines as it may provide by order in writing. The Chairman and two members of the Board shall constitute a *quorum* to transact business. A majority vote of the members constituting a *quorum* shall be necessary for a valid and enforceable decision or order by the Board. A tie vote shall be referred to the President of the Philippines for decision.

SEC. 7. *Permanent personnel.*—The Board shall have a permanent Secretary, who shall be a member of the Philippine Bar, with compensation at five thousand one hundred pesos *per annum*. He shall record all proceedings of the Board, take charge of and keep all its papers, and perform such other duties as may be prescribed by the Board in connection with its proceedings or papers. The Board shall also have a permanent stenographer with compensation at two thousand four hundred pesos per annum and such other employees and personnel as the Board may deem necessary in exercising and performing its powers and duties.

SEC. 8. *Temporary personnel.*—The Board may, with the approval of the President of the Philippines, engage for temporary service such duly qualified consulting engineers and agencies or other qualified persons as are necessary, and fix the compensation of such engineers, agencies, or persons without regard to civil service